

E-Mail Request for Emergency Relief

1. Case Number: 05 -cv- 891 -SLR

2. Check the box that applies:

- Requesting a teleconference with the parties and the court
- Requesting an in-person conference with the parties and the court
- Requesting either of the above listed options at the court's determination

3. BRIEFLY describe the reason for this **emergency** request:

Plaintiff's counsel has stated that plaintiff, who now lives in Florida, will only appear by telephone for her deposition on Saturday, December 2 or a half day on Saturday, December 9. Defendants object to the telephone deposition and have offered as an accommodation to depose Plaintiff in person on December 2 in his office. Fact discovery ends on December 29, 2006.

Plaintiff commenced this action in this jurisdiction and cannot complain about traveling to Delaware. Defendants will be prejudiced by a telephone deposition because plaintiff will be giving controversial testimony and they will be unable to observe the impact of their deposition questions or plaintiff's nonverbal responses.

*Any text added beyond the limits of this space will be disregarded by the court.

4. Name of opposing counsel contacted about this request: John LaRosa

5. Response of opposing counsel to this request:

6. Name of local counsel making this request: Thad Bracegirdle

7. Today's Date: November 15, 2006

For court use only:

A teleconference will be held on _____ to be coordinated and initiated by _____

An in-person discovery conference will be held on: _____

Other: The court will review plaintiff's motion for a protective order. However, the court notes that a plaintiff who files suit in Delaware generally needs to appear in Delaware as required to move her case forward. Absent good cause, a plaintiff who fails to cooperate in this regard may, . e.g., lose a trial date.

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4. Name of opposing counsel contacted about this request: John LaRosa
5. Response of opposing counsel to this request:

Plaintiff has moved for a Protective Order Under Rule 26(c) and opposes Defendants' E-mail Request for Emergency Relief for the reasons set forth therein. (D.I. 25 attached).
6. Name of local counsel making this request: Thad Bracegirdle
7. Today's Date: November 16, 2006

For court use only:

A teleconference will be held on _____ to be coordinated and initiated by _____

An in-person discovery conference will be held on: _____

Other: _____